

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:06-CR-131
)	(VARLAN/GUYTON)
HERMAN LLOYD RUSSELL,)	
)	
Defendant.)	

ORDER

This criminal case is before the Court on defendant's Motion to Continue [Doc. 22], in which defendant requests a continuance of the trial date in this case presently set for Wednesday, June 27, 2007. In support of this motion, defendant's counsel states that more time is needed to complete his investigation and prepare for the trial of this case. Defendant indicates that the government has no objection to the requested continuance.

Upon consideration of defendant's motion, it appears to the Court that counsel for defendant needs additional time for effective trial preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds that failure to grant the requested continuance could likely result in a miscarriage of justice if the parties are not given sufficient time to prepare for trial. 18 U.S.C. § 3161(h)(8)(B)(i). It is therefore the finding of this Court that the ends of justice served by the granting of such continuance outweigh the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

Accordingly, defendant's motion to continue [Doc. 22] is hereby **GRANTED** and this case is rescheduled for trial on Tuesday, July 31, 2007. The period of time between the current scheduled trial date, June 27, 2007, and the new trial date, July 31, 2007, shall be excludable time from the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED *NUNC PRO TUNC* June 26, 2007.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE